

AMENDED IN SENATE MAY 2, 2006
AMENDED IN SENATE APRIL 20, 2006

SENATE BILL

No. 1427

Introduced by Senator Chesbro

February 22, 2006

An act to add Section 14132.103 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 1427, as amended, Chesbro. Medi-Cal: federally qualified health centers.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which health care services are provided to qualified low-income persons. Federally qualified health center (FQHC) services described under federal law are covered Medi-Cal benefits. Existing law includes within the definition of an FQHC certain entities known as FQHC look-alikes, which have been determined to meet specified funding requirements, but have not received that funding.

Existing law requires that FQHCs be reimbursed on a per-visit basis, and allows an FQHC to apply for an adjustment to its per-visit rate based on a change in the scope of services it provides.

This bill would authorize the provision of FQHC services, as described under federal law, to an FQHC patient, as defined, by certain qualified health professionals, at locations other than an FQHC's primary care clinic site, under designated circumstances.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Federally qualified health centers (FQHCs) and FQHC
4 look-alikes are required to meet the program expectations for
5 entities funded pursuant to Section 330 of the Public Health
6 Services Act as amended by Public Law 104-299, the Health
7 Centers Consolidation Act of 1996 (Section 254b of Title 42 of
8 the United States Code), and as interpreted by the Health
9 Resources and Services Administration, Bureau of Primary
10 Health Care (BPHC).

11 (b) Based on the federal Bureau of Primary Health Care
12 (BPHC) Policy Information Notice 98-23 outlining program
13 requirements for FQHCs, FQHCs and FQHC look-alikes are
14 required to provide, directly or through contracts or cooperative
15 arrangements, basic health services, including primary care,
16 diagnostic laboratory and radiologic services, preventive
17 services, including prenatal and perinatal services, cancer and
18 other disease screening, well child services, immunizations
19 against vaccine-preventable diseases, screening for elevated
20 blood lead levels, communicable diseases and cholesterol, eye,
21 ear, and dental screening for children, family planning services
22 and preventive dental services, emergency medical and dental
23 services, and pharmaceutical services, as appropriate to a
24 particular health center.

25 (c) According to the BPHC, FQHCs and FQHC look-alikes
26 are required to provide services at locations that ensure services
27 are accessible to the community being served, including at
28 locations ranging from homeless shelters to migrant farmworker
29 camps to public housing communities to schools.

30 (d) In addition, the BPHC requires FQHCs and FQHC
31 look-alikes with programs serving people who are homeless or
32 mobile to engage in extensive outreach to provide services
33 wherever the patients are.

34 SEC. 2. Section 14132.103 is added to the Welfare and
35 Institutions Code, to read:

36 14132.103. (a) Notwithstanding any other provision of law,
37 and subject to the reimbursement provisions of Section
38 14087.325, and Sections 14132.100 to 14132.102, inclusive,

1 federally qualified health center (FQHC) services, as described in
2 subparagraph (C) of paragraph (2) of subdivision (a) of Section
3 1396d of Title 42 of the United States Code, may be provided by
4 qualified health professionals who are staff employees or
5 independent contractors of the FQHC, at locations other than the
6 FQHC's primary care clinic site, when approved as within the
7 FQHC's scope of project by the Health Resources and Services
8 Administration to the extent required by federal law, and
9 including locations where FQHC services of a type commonly
10 furnished in the primary care clinic setting are provided to an
11 FQHC patient, and when the services are provided at a location
12 other than the primary care clinic site for health maintenance or
13 medical reasons.

14 (b) For purposes of this section:

15 (1) "FQHC" includes an FQHC look-alike, as described in
16 subparagraph (B) of paragraph (2) of subdivision (l) of Section
17 1396d of Title 42 of the United States Code.

18 (2) "FQHC patient" means an individual who receives services
19 at a primary care clinic licensed or exempt from licensure under
20 Section 1204 or 1206 of the Health and Safety Code, a mobile
21 health care unit licensed or exempt from licensure under Chapter
22 9 (commencing with Section 1765.101) of Division 2 of the
23 Health and Safety Code, or at another location for which the
24 costs of services are included in the FQHC costs and the services
25 are included as part of the FQHC's scope of project to the extent
26 required by Section 14132.100.

27 (c) An FQHC shall not contract for health care services to be
28 provided at a location other than a primary care clinic site or
29 mobile health care unit operated by the FQHC by a health care
30 professional who is not a staff employee or independent
31 contractor of the FQHC or FQHC look-alike for the sole purpose
32 of passing through the FQHC's or FQHC look-alike's
33 prospective payment system interim rate to a Medi-Cal
34 fee-for-service provider.

35 (d) Notwithstanding subdivision (c), services may be furnished
36 to FQHC patients under an arrangement with a provider of a type
37 described in subdivision (g) of Section 14132.100 as FQHC
38 services, if services are delivered at the private practice site of
39 the provider and both of the following conditions are met:

1 (1) The arrangement for services has received the prior
2 approval of the director as necessary and appropriate to ensure
3 access to medically necessary services for Medi-Cal program
4 beneficiaries.

5 (2) FQHC services provided under the arrangement to FQHC
6 patients remain under the governance, administration, clinical
7 management, and quality assurance of the FQHC pursuant to
8 written agreement with the provider of the services.

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